

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JEFFERY MICHAEL MOLDOWAN,

Plaintiff,

CIVIL ACTION NO. 05-70331

v.

DISTRICT JUDGE ANNA DIGGS TAYLOR

CITY OF WARREN, ET AL,

MAGISTRATE JUDGE VIRGINIA MORGAN

Defendant.

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OPINION AND ORDER DENYING MOTION FOR RECONSIDERATION (#220)

This matter is before the court on the motion of plaintiff for reconsideration (#220) of the Corrected Order Granting Plaintiff's Motion to Quash and Corrected Order Granting in Part Defendant Warnicks' Motion for Leave to Serve more than 40 interrogatories. This motion was filed in December, 2006 and the issues underlying the motion appear to have been ruled on in subsequent appeals of discovery issues and rulings by the district judge. However, this motion was never terminated. The instant order is entered for the purpose of docket management. For the reasons discussed in this opinion, the motion for reconsideration is denied.

Since the motion was filed, the district court granted dispositive motions, an appeal was taken, the appellate court issued an opinion, and the district judge has set a status conference August 17, 2009, subsequent to issuance of the mandate by the appellate court (# 346). The Corrected Orders dealt with the adequacy of Rule 26(a)(1) disclosures and the parties discovery

plan (#69). At this stage of the proceeding, a new discovery plan may need to be formulated, and in any event, the original discovery plan is no longer applicable. Any earlier orders which underlie this motion on discovery need not be revisited nor reconsidered since they are no longer relevant.

Motions for Reconsideration are governed by Local Rule 7(g) which provides in pertinent part:

- 1) A motion for rehearing or reconsideration must be filed within 10 days after entry of the judgment or order.
- 2) No response to the motion and no oral argument are permitted unless the court orders otherwise.
- 3) Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

In this case, plaintiff has not shown a palpable defect leading to a different disposition.

Therefore the motion for reconsideration (#220) is denied.

No costs to either side.

SO ORDERED.

S/Virginia M. Morgan
Virginia M. Morgan
United States Magistrate Judge

Dated: August 17, 2009

PROOF OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record via the Court's ECF System and/or U. S. Mail on August 17, 2009.

s/Jane Johnson

Case Manager to

Magistrate Judge Virginia M. Morgan